

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

3

WRIT PETITION NO. 1876 OF 2005

PETITIONER

: Smt. Sarita Dewangan, Wife of  
Sri Munna Lal Dewangan, aged  
about 29 years, working as a  
Upper Division Clerk, Block  
Education Office, Bahmnidih, P.S.  
Saragaon, District : Janjgir -  
Champa ( C.G. ).

VERSUS

RESPONDENTS

- : 1. State of Chhattisgarh  
through the Secretary,  
Education Department,  
D.K.S. Bhavan, Raipur.  
( C.G. )
2. The Collector, Janjgir -  
Champa ( C.G. )
3. The District Education  
Officer, Janjgir - Champa  
( C.G. )
4. K.P. Rathore, Block Education  
Officer, Bahmnidih, Distt :  
Janjgir - Champa ( C.G. )
5. Vijay Kumar Khurre, Peon,  
Block Education Office,  
Bahmnidih, District :  
Janjgir - Champa ( C.G. )
6. K.P. Dewangan, Lower Division  
Clerk, Block Education  
Office, Bahmnidih, Distt :  
Janjgir - Champa ( C.G. )

P.R. No.

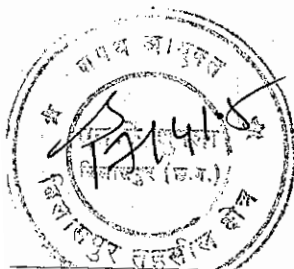
Presented by Shri. P.K. Vishwakarma

date

1865/05

26.6.05

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION  
OF INDIA.



| आदेश का<br>दिनांक आदेश<br>क्रमांक सहित | आदेश हस्ताक्षर सहित                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                        | <p><b>3-8-2005</b></p> <p>Mr. V.K. Pandey, counsel for the petitioner.</p> <p>Mr. Sandeep Dubey, Govt. Advocate for the State/respondents No.1 to 3.</p> <p>Mr. Ajay Dwivedi, counsel for respondent No.4.</p> <p>Mr. Prafull Bharat, counsel for respondents No.5 &amp; 6.</p> <p>Return has already been filed on behalf of respondents No.1 to 3, 5 and 6.</p> <p>No return has been filed on behalf of respondent No.4.</p> <p>Learned counsel for respondent No.4 submits that he is adopting the return filed on behalf of the State/respondents No.1 to 3.</p> <p>Rejoinder has also been filed on behalf of the petitioner.</p> <p>Heard.</p> <p>The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, with a prayer for directing respondents No.1 to 3 to take appropriate action in the matter against respondents No.4 to 6 and to further direct respondents No.1 to 3 to decide the representation.</p> <p>The case of the petitioner is that she is working as Upper Division Clerk in the Office of respondent No.4 i.e. Block Education Officer, respondent No.5 is working as Peon in the said Office, and respondent No.6 is working as Lower Division Clerk in the said Office. Allegations of the petitioner against respondents No.5 &amp; 6 are that they are compelling the</p> |                                                           |

आदेश पत्रक

मामला क्रमांक

W.P. 1876/सन् 2005

विरुद्ध

| आदेश का<br>दिनांक आदेश<br>क्रमांक सहित | आदेश हस्ताक्षर सहित<br>- 2 -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                        | <p>petitioner to establish physical relations with them and when the petitioner did not agree, then they sent naked photographs to her house by post and one day, they placed the said photographs on the petitioner's Office table. Feeling aggrieved, the petitioner lodged a report at Police Station: Saragaon and on this complaint, Crime No.16/2005 under Section 509 of the I.P.C. has been registered, but no action is being taken against respondents No.5 &amp; 6, and the higher authorities are not considering the grievance of the petitioner. The petitioner filed explanation before respondent No.4. Respondent No.4 is harassing the petitioner, because of personal enmity and he is going to take coercive action against the petitioner.</p> <p>Return has been filed on behalf of the State/respondents No.1 to 3 in which it has been mentioned that the petitioner has not come with correct facts, she is trying to mislead the Court and concealing the facts. The petitioner has been suspended vide order dated 26-5-2005 and charge sheet has also been issued by the authority. The petitioner made a complaint before the Police authority against respondents No.5 &amp; 6, and after investigation, the Police authority has filed charge sheet against respondents No.5 &amp; 6. The petitioner made a complaint on 20-7-2004 before the Block Education Officer against respondents No.5 &amp; 6, and again on 2-8-2004, she has made a complaint against respondent No.6. On receiving the complaints, the District Education Officer vide order dated 28-7-2004 appointed an Enquiry Officer, Principal, Govt. Higher Secondary School, Choriya, Tehsil: Champa, and enquiry has been instituted against</p> |                                                           |

आदेश पत्रक

मामला क्रमांक

W.P. 1876/

सन्

2005

विरुद्ध

| आदेश का<br>दिनांक आदेश<br>क्रमांक सहित | आदेश हस्ताक्षर सहित<br>-3-                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                        | <p>respondents No.5 &amp; 6. In the mean time, the petitioner withdrew her complaints against respondents No.5 &amp; 6.</p> <p>Return has also been filed on behalf of respondents No.5 &amp; 6 in which they have mentioned that a false case has been registered against them and they are being harassed.</p> <p>I have perused the record.</p> <p>In this matter, enquiry was conducted by the Principal, Govt. Girls Higher Secondary School, Akaltara, District: Janjgir-Champa, in which he has submitted a report on 9-4-2005 and mentioned that on enquiry from all the employees it was found that the petitioner herein Mrs. Sarita Dewangan took away the order register from Mr. K.P. Rathore on 19-1-2005 and even after repeated requests the said register was not returned by her, on which vide letter dated 24-1-2005 the petitioner was asked to send her explanation. On 1-2-2005, the petitioner went along with her husband to the Post Office and her husband without giving acknowledgement took the speed post letter from the Post Office forcefully. A complaint of the same was made by the Deputy Post Master to Saragaon Police Station. Opportunity was also given to the petitioner to explain her position and put forward her case. The Principal has concluded that the petitioner herein is in habit of not complying with orders and directions of the senior officers, she is always indifferent towards the Government orders, she is in habit of flouting Government orders, taking Government record forcefully, creating obstruction in the administrative work, coming with her husband in the</p> |                                                           |

आदेश पत्रक

मामला क्रमांक

W.P.1876/सन्

2005

विरुद्ध

| आदेश का<br>दिनांक आदेश<br>क्रमांक सहित | आदेश हस्ताक्षर सहित<br>- 4 -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                        | <p>Office on account of which there is every chance that any employee can be involved in connection with levelling false allegations against any employee regarding character, and the Principal has mentioned that the atmosphere of the Office is tense.</p> <p>Enquiry was also got conducted by the Collector from one Deputy Collector &amp; District Women Child Development Officer Smt. Anita Agrawal in which it has been categorically mentioned that the petitioner's attitude was not co-operative in conducting the enquiry and on account of the complaints against the petitioner she has been suspended. They have also made report to the effect that the husband of the petitioner is always coming to the Office.</p> <p>In view of the above two enquiry reports, allegations and counter-allegations levelled by the parties, and that charge sheet has already been filed against respondents No.5 &amp; 6 on the complaint of the petitioner, in order to maintain discipline and decorum in the Office and to find out true facts, respondent No.2 Collector is directed to nominate an Officer of the rank of Sub Divisional Officer to conduct enquiry into the whole episode by giving opportunity to the petitioner as also to respondents No.4, 5 &amp; 6, and after completion of the enquiry, if allegations of the petitioner against respondents No.4, 5 &amp; 6 are found to be correct, then departmental action should be instituted against them. If in the enquiry, the petitioner is also found to be responsible for any act of indiscipline and insubordination, then enquiry against the petitioner may also be instituted.</p> |                                                           |

## आदेश पत्रक

मामला क्रमांक

W.P.1876/

सन्

2005

विरुद्ध

| आदेश का<br>दिनांक आदेश<br>क्रमांक सहित | आदेश हस्ताक्षर सहित<br>-5-                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| Soma                                   | <p>On the basis of enquiry, if presence of respondents No.5 &amp; 6 is found to be detrimental to the interest of public administration and discipline, the authorities can consider their transfer to different places in order to maintain decorum and discipline in the Office. Similarly, in the enquiry, if presence of the petitioner is also found to be detrimental to the interest of public administration, the authorities can consider her case also for transfer.</p> <p>With the above directions and observations, the petition stands disposed of.</p> <p>In view of this order, M.(W.)P.No.1451/2005, I.A.Nos.4994/2005, 5246/2005 and 6115/2005 also stand disposed of.</p> <p>Parties are entitled for certified copy of this order.</p> | <p>Sd/-<br/>L.C.BHADOO<br/>Judge</p>                      |

(पीछे देखिये)

66